

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
OCTOBER 21, 2104**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Chairman Don Cooper, Vice Chairman Kevin Porter, Commissioner Alix Driscoll, Commissioner Ellen Townson, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Philip Sutherland. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

Dascomb Road and Frontage Road

Staff Recommendation: Approve

Present in Interest: Alexandra Ehandi

Public Hearing on a Request for Determination of Applicability filed by Massachusetts Electric Company under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed installation of 2 parallel underground conduits, several manholes and infrastructure within the roadway at **Dascomb Road and Frontage Road**.

Mr. Douglas presented this to the Commission. This is a minor project for subsurface work. This is a joint project with the Town of Tewksbury.

Alexandra Ehandi presented the project to the Commission. The conduits will be 2 ½ feet underground and encased in concrete. No trenches will be left open over night, erosion control will be in place and all extra soils will be removed from the site. The work is in the roadway and shoulder only.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to Approve; it was seconded by Commissioner Honea and unanimously approved.

37 Porter Road

Staff Recommendation: Close Public Hearing and Issue Order of Conditions.

Present in Interest: Bill McLeod

Public Hearing on a Request for an Order of Conditions filed by Fieldstone Meadows Development Corp. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed construction of an addition, driveway, minor grading and sanitary force main at **37 Porter Road**.

Agent Cleary presented this to the Commission. The filing is complete under the WPA only and waivers have been requested for work within the 25 foot no-disturb and 50 foot no-build, as the current structure is within both these areas. Wetland adjustments have been noted on the plan. The applicant has agreed to put in a variable buffer with locations of non-disturb bounds to be agreed on site between staff and applicant.

Bill McLeod presented this to the Commission. The house is a historical house with a large portion of the lot being within the 100 foot buffer. The existing structure will remain and a 2 car garage and addition will be constructed. DEP has no comment. The historic commission reduced the size of the garage and reconfigured the front of the house. The Historical Preservation Commission and ZBA have all issued permits. The grading in the back will remain the same and there will be some grading on the side yard but not beyond the haybale line.

Chairman Cooper asked for a Motion. Vice Chairman Porter made a Motion to close the public hearing; it was seconded by Commissioner Honea and unanimously approved.

Commissioner Driscoll made a Motion to issue the Order of Conditions; it was seconded by Commissioner Honea and unanimously approved.

Marland Place Dam Removal/Balmoral Dam Removal

Staff Recommendation: Continue

Present in Interest: Thomas Ardito and Nick Wilde

Continued Public Hearing on a Request for an Order of Conditions filed by Thomas Ardito under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **15 Stevens Street**.

Continued Public Hearing on a Request for an Order of Conditions filed by the Town of Andover under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV, for proposed removal of the Marland Place Dam at **11 Haverhill Street**.

Mr. Douglas presented these to the Commission. They were continued from September 8, 2014 for a site visit and peer review. A Peer Reviewer could not be located. Brian Moore, the Town Engineer will reviewing the filings for the Commission. The site walk was completed and DEP issued numerous comments/questions to be answered by the Applicants. Tom Ardito informed

the Commission that all comments and questions from DEP have been addressed for both projects. Mr. Douglas, Commissioner Honea and Nick Wilde will work together to draft the Order of Conditions.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to November 4, 2014; it was seconded by Commissioner Honea and unanimously approved.

ACTION ITEMS:

Merrimack College

Present in Interest: Chris Lovett, Janet Bernardo, Felipe Schwarz, Bill Page, and Matt Wilson

Staff Recommendation: Issue Amended Order of Conditions.

Issuance of Amended Order of Conditions. Discussion regarding catch basins on Flaherty Road and Rock Ridge Road, service entrance and gated entrance onto Rock Ridge Road. Merrimack College does not own the gated driveway section, they only have an easement for access. They have agreed to work with the property owner to install a catch basin and minor grading.

Merrimack College also agreed to regrade so that the runoff goes into the existing catch basins.

Janet Bernardo agreed that capturing as much runoff that is missing the catch basins is a good idea. Commissioner Greenwood suggested if no agreement can be reached with the property owner of the gated entrance, then catch basins be installed as close to the property line as possible and the runoff to be sent to the 48" pipe. Mr. Douglas met with DPW and they have not seen any surcharge from the 24" pipe and they do not need to place it. Vice Chairman Porter agreed that the 24" pipe is the responsibility of the Town, not Merrimack College.

Commissioner Driscoll expressed her belief that the Stormwater Master Plan has not worked and concerned with what happens if the 48" pipe and other improvements do not work. Janet Bernardo stated the conditions have been improved and will be further improved, but it is not perfect. Chairman Cooper advised that the conditions before the Stormwater Master Plan were horrible and that they are better now, but still not great.

The timing of the improvements and catch basins should be done within the confines of the Andover portion of the project.

Vice Chairman Porter made a Motion to issue the Amended Order of Conditions with additional language regarding the gated entrance and timing; it was seconded by Commissioner Townson and unanimously approved.

87 Porter Road

Present in Interest: John Dick and Brian Charron

Staff Recommendation: Insignificant.

Request for Finding of Significance for the installation of a deck, patio, irrigation system and limits of sod and seeding.

Commissioner Sutherland made a Motion to find the change Insignificant to the Act; it was seconded by Commissioner Honea and unanimously approved.

Lot 3 Fraser Drive

Staff Recommendation: Issue Order of Conditions.

Issuance of the Order of Conditions.

Commissioner Honea made a Motion to issue the Order of Conditions; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of minutes from October 7, 2014.

High Plain Road over Fish Brook

Issuance of a Certificate of Compliance. **Tabled.**

3000 Minuteman Road

Issuance of a Certificate of Compliance.

87 Porter Road.

Issuance of a Certificate of Compliance.

3 Pendant Court

Issuance of a Satisfactory Completion of Work Certificate.

1 Riverside Drive

Issuance of a Satisfactory Completion of Work Certificate.

Vice Chairman Porter made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Sutherland and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

11 Whittemore Terrace

Present in Interest: Jake Golan, Caroly Schumway, Robert Brennan and Maureen Brennan, Sean Higgins

Discussion regarding new Merrimack River Park and Parking. Presentation given by Jake Golan regarding proposed parking areas on Conservation Land as part of the project to clear trails through 17 acres of property. Merrimack River Watershed Council has received a grant to enhance the bird sanctuary and clear the trails. Jake presented 3 possible parking areas, Whittemore Terrace, MRWC owned land, Sutherland Street, Town owned land and Filter Bed Road on Conservation Land.

Robert Brennan, an abutter, informed the Commission that parking already exists off Stirling Street for Den Rock Park.

John Nies, an abutter, stated that at the top of Sutherland Street there is a steep hill with a blind spot and lots of children playing in this neighborhood.

Sean Higgins, an abutter, is concerned with the additional traffic and possible illicit activity. A gate was installed on Filter Bed Road to discourage any such activity and is concerned if the gate is removed the crime will come back.

Groundwater Hydrologist

Discussion regarding list of consultants to provide guidance on groundwater issues. Staff to find 1 or 2 groundwater hydrologists who are able to work with the Commission.

Town Email Addresses

The Selectmen have asked all members of Town Commissions and Boards to establish Town email addresses. There are many concerns over the probable violation of the Open Meeting Law and staff is working with IT to come to a resolution before email accounts are established.

Hussey's Pond Dam

Ratification of Emergency Certification for the permanent capping of an abandoned 24" PVC pipe under spillway structure.

Commissioner Porter made a Motion to ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

Training Seminar

"How To Hold A Perfect Public Meeting" seminar is being held on Wednesday, December 3rd at Memorial Hall Library from 7pm-9pm. Mandatory attendance for committees and boards of the Town.

Chairman Cooper rescused himself from the meeting and left the building.

Retelle and Deer Jump Reservations

Hike on Saturday, November 8th at 10:00am to walk the properties to be effected by the pipeline.

Tennessee Gas Pipeline

Public forum on Thursday, November 13th at 7:00pm at Wood Hill School for residents. AVIS taking the lead and Conservation Commission will co-sponsor.

The next meeting will be held November 4, 2014 at 8:00pm.

The meeting was adjourned at 9:55 pm by Motion of Commissioner Driscoll and seconded by Commissioner Honea and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**